

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
May 15, 2014

v

ADAM JOSEPH RICCIONI,

Defendant-Appellant.

No. 311479
Berrien Circuit Court
LC No. 2003-401438-FH

Before: MURPHY, C.J., and O'CONNELL and K. F. KELLY, JJ.

PER CURIAM.

Defendant appeals by leave granted the trial court's order denying his motion to dismiss a show cause order, which required defendant to show cause why he should not be held in contempt for failing to comply with the court's order to pay restitution.¹ Because the trial court had inherent power to enforce its restitution order, we affirm. See *Shillitani v United States*, 384 US 364, 370; 86 S Ct 1531; 16 L Ed 2d 622 (1966) ("There can be no question that courts have inherent power to enforce compliance with their lawful orders through civil contempt."); see generally *In re Contempt of United Stationers Supply Co*, 239 Mich App 496, 499; 608 NW2d 105 (2000) ("Michigan courts of record have the inherent common-law right to punish all contempts of court."). Given this conclusion, we need not address defendant's remaining arguments.

¹ We note that there is no indication that the judgment ordering restitution, which was entered back in 2003, was ever appealed or otherwise challenged in accordance with law, nor was a 2006 probation violation order, which continued the restitution requirement, ever appealed or otherwise challenged in accordance with law. Indeed, the 2003 sentence and 2006 order were entered as a result of guilty pleas. Therefore, defendant's arguments in the current contempt proceedings challenging the restitution requirement constitute an impermissible collateral attack on prior rulings, which we will not allow. See MCR 6.429 (proper procedures for correction and appeal of invalid sentences); MCR 6.500 *et seq.* (proper procedures for seeking post-appeal relief); *People v Howard*, 212 Mich App 366, 369-370; 538 NW2d 44 (1995) (finding an impermissible collateral attack on a prior plea).

Affirmed.

/s/ William B. Murphy

/s/ Peter D. O'Connell

/s/ Kirsten Frank Kelly